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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,789	02/09/2004	Gary W. Lunt		9050
45662	7590	05/20/2005		
G. TURNER MOLLER, JR. 711 NORTH CARANCAHUA, SUITE 720 CORPUS CHRISTI, TX 78475			EXAMINER TSIDULKO, MARK	
			ART UNIT 2875	PAPER NUMBER
DATE MAILED: 05/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

H'A

Office Action Summary	Application No.	Applicant(s)	
	10/774,789	LUNT, GARY W.	
	Examiner Mark Tsidulko	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 and 7 is/are rejected.
- 7) Claim(s) 6 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 February 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>052104</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent (US 2002/0178641) in view of Geiger (US 5,947,051).

Referring to Claim 1 Kent discloses (Fig.1) underwater lighting device including:

- a lamp having a light generating member and a light transmitting envelope around the light generating member and metal fitting (shown below the light generating member and not indicated by number);
- an electrically insulating nipple [16] receiving the fitting and terminating adjacent the envelope;
- first and second electrical conductors (not indicated by numbers) electrically connected to the fitting and extending out of the nipple;
- an end cap [14] having an outlet;
- a boot [32] having one end attached to the nipple;
- third and fourth electrical conductors [46] extending through the cap outlet;
- a conduit [38] attached to the end cap and communicated with the third and fourth conductors [46] extending through the conduit.

Kent discloses the instant claimed invention except for that the another end of the boot is clamped to the end cap.

The rubber boots are well known in the art and used to create a tight seal to prevent electrical shock, as result of contact between the water and the electrical conductors. Points of the engagement of the boot to another parts of the device are depended to the structural design of the device and do not change the function of the boot, which is providing a shock resistance for the device.

Geiger discloses that clamp may be used for the boot attachment.

Referring to Claim 2 while Kent discloses an insulating nipple [16] is made of porcelain, it will of course be understood by those skilled in the art, that any desired insulating material may be used for the nipple.

Referring to Claim 4 Kent discloses (Fig.2) a threaded metal fitting (shown below the light generating member of the bulb and not indicated by number) having central button and wherein two electrical conductors are connected to the threads and to the button.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the clamps, as taught by Griffiths, for the device of Kent, in order to provide rubber boot attachment.

Claims 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent and Griffiths as applied to claim 1 above, and further in view of Beadle (US 6,491,407).

Referring to Claim 3 Kent et al. discloses (Fig.2) the connectors between two pairs of wires, but do not disclose the type of connectors.

Beadle discloses (Fig.6) a lighting device wherein wires are connected by wire nuts [76] which are well known in the art of illumination.

Referring to Claim 5 Kent et al. discloses the instant claimed invention except for epoxy sealant.

Beadle discloses (col.7, lines 14-17) an epoxy sealant in order to provide a water-tight barrier.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the wire nuts, as taught by Beadle, for the device of Kent et al. on order to provide secure electrical connection between the wires.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kent and Griffiths as applied to claim 1 above, and further in view of Tobias et al. (US 5,607,224) and Beadle (US 6,491,407).

Kent discloses an underwater lighting device having ground circuit interuptor.

Kent discloses the instant claimed invention except for ground wire parallel to the third and fourth wires and anchor embedded in a sealant.

Tobias et al. disclose (Fig.2) an underwater lighting device having a ground wire parallel to the two wires composing the power cable [74]. Device also includes an anchor [106] embedded in a sealant [86] and connected to the ground wire of the power cable [74], but type of connector is not shown.

Beadle discloses (Fig.6) a lighting device wherein wires are connected by wire nuts [76] which are well known in the art of illumination.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the wire nuts, as taught by Beadle, for the device of Kent et al. on order to provide secure electrical connection between the wires.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because the prior art of record fails to show an underwater lighting device wherein a resilient boot has a small end clamped to the nipple and a large end clamped to the end cap.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
March 31, 2005



JOHN ANTHONY WARD
PRIMARY EXAMINER